

10 Rec'd PCT/US 17 SEP 2001

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  
(REV 11-98)TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371ATTORNEY'S DOCKET NUMBER  
103-01U.S. APPLICATION NO.  
(if known, see 37 CFR 1.5)

09/936869

INTERNATIONAL APPLICATION NO. PCT/NZ00/00031	INTERNATIONAL FILING DATE (17.03.2000)	PRIORITY DATE CLAIMED (17.03.1999)
TITLE OF INVENTION PLANTS HAVING MODIFIED REPRODUCTIVE CAPACITY		
APPLICANT(S) FOR DO/EO/US Gopi K. Podia, Jun-Jun Liu, and David F. Karnosky		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
- The US has been elected by the expiration of 19 months from the priority date (Article 31).
- A copy of the International application as filed (35 U.S.C. 371(c)(2))
  - is transmitted herewith (required only if not transmitted by the International Bureau).
  - has been communicated by the International Bureau.
  - is not required, as the application was filed in the United States Receiving Office (RO/US).
- A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)):
  - are transmitted herewith (required only if not transmitted by the International Bureau).
  - have been communicated by the International Bureau.
  - have not been made; however, the time limit for making such amendments has NOT expired.
  - have not been made and will not be made.
- A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. To 16. below concern document(s) or information included:

- An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- A FIRST preliminary amendment.
  - A SECOND or SUBSEQUENT preliminary amendment
- A substitute specification.
- A change of power of attorney and/or address letter.
- Other items or information: Certificate of Mailing by Express Mail

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
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09/09/2001  
JCPCTH 17 SEP 200117.  The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
 nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
 and International Search Report not prepared by the EPO or JPO **\$1000.00**

International preliminary examination fee (37 CFR 1.482) not paid to  
 USPTO but International Search Report prepared by the EPO or JPO **\$ 860.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
 but international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$ 710.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
 but all claims did not satisfy provisions of PCT Article 33(1)-(4) **\$ 690.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
 and all claims satisfied provisions of PCT Article 33(1)-(4) **\$ 100.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY****\$1000.00**

Surcharge of **\$130.00** for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

**\$ 130.00**

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	<b>30 - 20 =</b>	<b>0</b>	X \$18.00	<b>\$ 180.00</b>
Independent claims	<b>3 - 3 =</b>	<b>0</b>	X \$78.00	<b>\$ 0</b>

MULTIPLE DEPENDENT CLAIM(S) (if applicable) **+\$260.00** **\$ 260.00**

**TOTAL OF ABOVE CALCULATIONS =** **\$1570.00**

Reduction of  $\frac{1}{2}$  for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

**\$**

**SUBTOTAL =** **\$**

Processing fee of **\$130.00** for furnishing the English translation later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(f)). **+** **\$**

**TOTAL NATIONAL FEE =** **\$**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00** per property **+** **\$**

**TOTAL FEES ENCLOSED =** **\$1570.00**

a.  A check in the amount of **\$1570.00** to cover the above fees is enclosed.

b.  Please charge my Deposit Account No. **07-1969** in the amount of **\$ \_\_\_\_\_** to cover the above fees.

c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **07-1969**. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

GREENLEE, WINNER AND SULLIVAN, P.C.  
 5370 Manhattan Circle, Suite 201  
 Boulder, CO 80303  
 Phone: 303-499-8080  
 Fax: 303-499-8089

SIGNATURE

Name: **Donna M. Ferber**  
 Registration No.: **33,878**

CERTIFICATE OF MAILING DOCUMENTS "EXPRESS MAIL" (37 CFR 1.10)	
Applicant(s): CARTER HOLD HARVEY LIMITED, TASMAN BIOTECHNOLOGY	

Docket No.

103-01

Serial No.  
not assignedFiling Date  
17 September 2001Examiner  
not assignedGroup Art Unit  
not assigned

Invention: PLANTS HAVING MODIFIED REPRODUCTIVE CAPACITY

I hereby certify that this Transmittal Letter to the United States - Concerning a Filing Under 35 U.S.C. 371  
*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.  
20231-0001 on 17 September 2001  
*(Date)*

Nina Reel*(Typed or Printed Name of Person Mailing Correspondence)*Nina Reel*(Signature of Person Mailing Correspondence)*EL 881526065 US*("Express Mail" Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.